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Attorneys for Berger Bros., Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

UNITED STATES OF AMERICA for
the use and benefit of BERGER BROS.,
INC., a California Corporation,

Plaintiff,

vs.

DICK/MORGANTI, a California joint venture; DICK CORPORATION, a Pennsylvania corporation; THE MORGANTI GROUP, INC., a Connecticut corporation; AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA, a Pennsylvania corporation; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURG, PA, a Pennsylvania corporation; CONTINENTAL CASUALTY COMPANY, an Illinois corporation.

Defendants.

CASE NO. C-07-5108-JSW

STIPULATION FOR DISMISSAL

[FRCP Rule 41]

24 **IT IS HEREBY STIPULATED** by and between the parties, through their
25 respective counsel, that the above-entitled matter be dismissed *with prejudice* pursuant
26 to *Federal Rules of Civil Procedure*, Rule 41(a)(1), with each party to bear its own
27 attorneys fees and costs. The parties respectfully request that the Court issue an order
28 in conformance with the parties' stipulation.

1 DATED: June 4, 2008

HUNT ORTMANN PALFFY NIEVES
LUBKA DARLING & MAH, INC.

2 By



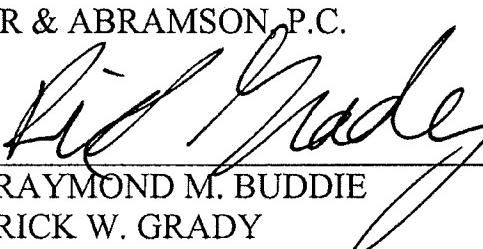
PEDRAM MINOO FAR

3
4 Attorneys for Berger Bros., Inc.

5 DATED: June 4, 2008

6 PECKAR & ABRAMSON, P.C.

7 By


RAYMOND M. BUDDIE

8 RICK W. GRADY

9
10 Attorneys for DICK/MORGANTI; DICK
11 CORPORATION; THE MORGANTI GROUP,
12 INC.; AMERICAN CASUALTY COMPANY
13 OF READING, PENNSYLVANIA;
14 NATIONAL UNION FIRE INSURANCE
15 COMPANY OF PITTSBURG, PA; and
16 CONTINENTAL CASUALTY COMPANY

17
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 301 North Lake Avenue, 7th Floor, Pasadena, California 91101-1807.

On June 5, 2008, I served the following document(s) described as **STIPULATION FOR DISMISSAL** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Rick W. Grady
ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS, LLP
Three Embarcadero Center
12th Floor
San Francisco, CA 94111

BY MAIL: I am "readily familiar" with Hunt Ortmann Palffy Nieves Lubka Darling & Mah, Inc.'s practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Pasadena, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on June 5, 2008, at Pasadena, California.

Nancy Aguayo